



## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2022-0604; Project Identifier MCAI-2021-01375-T]**

**RIN 2120-AA64**

#### **Airworthiness Directives; Dassault Aviation Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to supersede Airworthiness Directive (AD) 2021-19-20, which applies to all Dassault Aviation Model FALCON 7X airplanes. AD 2021-19-20 requires amending the existing airplane flight manual (AFM) to incorporate a check and an operating limitation regarding the O<sub>2</sub> saver function. Since the FAA issued AD 2021-19-20, it has been determined that the AFM update may not be sufficient to mitigate the risk of failed deactivation of the O<sub>2</sub> saver function. This proposed AD would retain the requirements of AD 2021-19-20 and would require physical deactivation of the O<sub>2</sub> saver function, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. This proposed AD would also limit the installation of affected parts under certain conditions. The FAA is proposing this AD to address the unsafe condition on these products.

**DATES:** The FAA must receive comments on this proposed AD by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- Federal eRulemaking Portal: Go to <https://www.regulations.gov>. Follow the instructions for submitting comments.

- Fax: 202-493-2251.

- Mail: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- Hand Delivery: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For material that will be incorporated by reference (IBR) in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email [ADs@easa.europa.eu](mailto:ADs@easa.europa.eu); Internet [www.easa.europa.eu](http://www.easa.europa.eu). You may find this material on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2022-0604.

### **Examining the AD Docket**

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2022-0604; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

**FOR FURTHER INFORMATION CONTACT:** Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3226; email [tom.rodriguez@faa.gov](mailto:tom.rodriguez@faa.gov).

## **SUPPLEMENTARY INFORMATION:**

### **Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under ADDRESSES. Include “Docket No. FAA-2022-0604; Project Identifier MCAI-2021-01375-T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

### **Confidential Business Information**

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3226; email

Tom.Rodriguez@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

## **Background**

The FAA issued AD 2021-19-20, Amendment 39-21738 (86 FR 51604, September 16, 2021) (AD 2021-19-20), which applies to all Dassault Aviation Model FALCON 7X airplanes. AD 2021-19-20 requires amending the existing AFM to incorporate a check and an operating limitation regarding the O<sub>2</sub> saver function. The FAA issued AD 2021-19-20 to address defects on the piston hole associated with the O<sub>2</sub> saver feature that may prevent efficient deactivation of the O<sub>2</sub> saver function, which could lead to inadequate oxygen supply to the flightcrew in case of decompression of the airplane or smoke or fire in the flight deck.

## **Actions Since AD 2021-19-20 Was Issued**

Since the FAA issued AD 2021-19-20, Safran (the mask manufacturer) and Dassault identified the batch of flightcrew oxygen masks affected by the manufacturing defects. Additional safety analysis determined that the AFM amendment required by AD 2021-19-20 may not be sufficient to mitigate the risk of failed deactivation of the O<sub>2</sub> saver function in the long term. Consequently, Dassault issued service information providing instructions for mechanically deactivating the O<sub>2</sub> saver function of affected flightcrew oxygen masks.

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2021-0272, dated December 6, 2021 (EASA AD 2021-0272) (also referred to as the MCAI), to correct an unsafe condition for all Dassault Aviation Model FALCON 7X airplanes.

This proposed AD was prompted by reports of defects that may prevent efficient deactivation of the O<sub>2</sub> saver function of crew oxygen masks and a determination that the AFM amendment required by AD 2021-19-20 may not be sufficient to mitigate the risk.

The FAA is proposing this AD to address defects on the piston hole associated with the O<sub>2</sub> saver feature that may prevent efficient deactivation of the O<sub>2</sub> saver function, which could result in an inadequate oxygen supply to the flightcrew in case of decompression of the airplane or smoke or fire in the flight deck. See the MCAI for additional background information.

### **Explanation of Retained Requirements**

Although this proposed AD does not explicitly restate the requirements of AD 2021-19-20, this proposed AD would retain all of the requirements of AD 2021-19-20. Those requirements are referenced in EASA AD 2021-0272, which, in turn, is referenced in paragraph (g) of this proposed AD.

### **Related Service Information under 1 CFR Part 51**

EASA AD 2021-0272 specifies procedures for amending the existing AFM to incorporate a specific check to ensure that the O<sub>2</sub> saver function is not activated and an operating limitation to prevent use of the O<sub>2</sub> saver function; and for mechanically deactivating the O<sub>2</sub> saver function of the affected parts (Safran flightcrew oxygen masks having part number MLD40-45-005 and serial number B150451 through B172005 inclusive without the letter “R” after the serial number). EASA AD 2021-0272 also limits the installation of affected parts under certain conditions.

This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

### **FAA’s Determination**

These products have been approved by the aviation authority of another country and are approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with the State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this NPRM after

determining that the unsafe condition described previously is likely to exist or develop in other products of these same type designs.

### **Proposed AD Requirements in this NPRM**

This proposed AD would require accomplishing the actions specified in EASA AD 2021-0272 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD. This proposed AD would also limit the installation of affected parts under certain conditions.

EASA AD 2021-0272 requires operators to “inform all flight crews” of revisions to the AFM, and thereafter to “operate the aeroplane accordingly.” However, this proposed AD would not specifically require those actions as those actions are already required by FAA regulations. FAA regulations require operators furnish to pilots any changes to the AFM (for example, 14 CFR 121.137), and to ensure the pilots are familiar with the AFM (for example, 14 CFR 91.505). As with any other flightcrew training requirement, training on the updated AFM content is tracked by the operators and recorded in each pilot’s training record, which is available for the FAA to review. FAA regulations also require pilots to follow the procedures in the existing AFM including all updates. 14 CFR 91.9 requires that any person operating a civil aircraft must comply with the operating limitations specified in the AFM. Therefore, including a requirement in this proposed AD to operate the airplane according to the revised AFM would be redundant and unnecessary.

### **Explanation of Required Compliance Information**

In the FAA’s ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2021-0272 by reference in the FAA final

rule. This proposed AD would, therefore, require compliance with EASA AD 2021-0272 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2021-0272 does not mean that operators need comply only with that section. For example, where the AD requirement refers to “all required actions and compliance times,” compliance with this AD requirement is not limited to the section titled “Required Action(s) and Compliance Time(s)” in EASA AD 2021-0272. Service information required by EASA AD 2021-0272 for compliance will be available at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2022-0604 after the FAA final rule is published.

### **Costs of Compliance**

The FAA estimates that this proposed AD affects 20 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

#### **Estimated costs for required actions**

<b>Action</b>	<b>Labor cost</b>	<b>Parts cost</b>	<b>Cost per product</b>	<b>Cost on U.S. operators</b>
Retained actions from AD 2021-19-20	1 work-hour X \$85 per hour = \$85	\$0	\$85	Up to \$1,700
New proposed actions	4 work-hours X \$85 per hour = \$340	\$0	\$340	\$6,800

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in the cost estimate.

### **Authority for this Rulemaking**

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator.

Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### **Regulatory Findings**

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### **List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### **The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

### **PART 39 - AIRWORTHINESS DIRECTIVES**



1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

**§ 39.13 [Amended]**

2. The FAA amends § 39.13 by:

a. Removing Airworthiness Directive (AD) 2021-19-20, Amendment 39-21738 (86 FR 51604, September 16, 2021); and

b. Adding the following new AD:

**Dassault Aviation:** Docket No. FAA-2022-0604; Project Identifier MCAI-2021-01375-T.

**(a) Comments Due Date**

The FAA must receive comments on this airworthiness directive (AD) by [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**(b) Affected ADs**

This AD replaces AD 2021-19-20, Amendment 39-21738 (86 FR 51604, September 16, 2021) (AD 2021-19-20).

**(c) Applicability**

This AD applies to all Dassault Aviation Model FALCON 7X airplanes, certificated in any category.

Note 1 to paragraph (c): Model FALCON 7X airplanes with Dassault modification M1000 incorporated are commonly referred to as “Model FALCON 8X” as a marketing designation.

**(d) Subject**

Air Transport Association (ATA) of America Code 35, Oxygen.

**(e) Unsafe Condition**

This AD was prompted by reports of defects on the piston hole associated with the O<sub>2</sub> saver function that may prevent efficient deactivation of the O<sub>2</sub> saver function and a determination that the airplane flight manual (AFM) amendment required by AD 2021-19-20 may not be sufficient to mitigate the risk of failed deactivation of the O<sub>2</sub> saver function. The FAA is issuing this AD to address defects that may prevent efficient deactivation of the O<sub>2</sub> saver function, which could result in an inadequate oxygen supply to the flightcrew in case of decompression of the airplane or smoke or fire in the flight deck.

**(f) Compliance**

Comply with this AD within the compliance times specified, unless already done.

**(g) Requirements**

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2021-0272, dated December 6, 2021 (EASA AD 2021-0272).

**(h) Exceptions to EASA AD 2021-0272**

(1) Where EASA AD 2021-0272 refers to September 13, 2021 (the effective date of EASA AD 2021-0202-E), this AD requires using September 16, 2021 (the effective date of AD 2021-19-20).

(2) Where EASA AD 2021-0272 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph (1) of EASA AD 2021-0272 requires operators to “inform all flight crews, and thereafter operate the aeroplane accordingly,” this AD does not require those actions as they are already required by existing FAA operating regulations.

(4) The “Remarks” section of EASA AD 2021-0272 does not apply to this AD.

### **(i) No Reporting Requirement**

Although the service information referenced in EASA AD 2021-0272 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

### **(j) Additional FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft Section, International Validation Branch, send it to the attention of the person identified in paragraph (k)(2) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Dassault Aviation's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

### **(k) Related Information**

(1) For EASA AD 2021-0272, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADs@easa.europa.eu; Internet [www.easa.europa.eu](http://www.easa.europa.eu). You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>. You may view this material at the FAA, Airworthiness

Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA.

For information on the availability of this material at the FAA, call 206-231-3195. This material may be found in the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2022-0604.

(2) For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, Large Aircraft Section, FAA, International Validation Branch, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206-231-3226; email [tom.rodriguez@faa.gov](mailto:tom.rodriguez@faa.gov).

Issued on June 2, 2022.

Gaetano A. Sciortino, Deputy Director for Strategic Initiatives,  
Compliance & Airworthiness Division,  
Aircraft Certification Service.

[FR Doc. 2022-12268 Filed: 6/8/2022 8:45 am; Publication Date: 6/9/2022]